

First named inventor: Anderson
Serial no. 09/940,360
Filed 8/27/2001
Attorney docket no. 10018309-1

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REMARKS

Claim rejections under 35 USC 112

Claims 1, 7, and 13 have been rejected under 35 USC 112, as failing to comply with the enablement requirement, and as being indefinite, due to their inclusion of the limitation "without user interaction." Applicant has amended these claims to remove this limitation, and therefore asserts that this rejection is now moot.

Claim rejections under 35 USC 103

Claims 1-15 have been rejected under 35 USC 103(a) as being unpatentable over Fida International, Prolink User's Manual, in view of Polycom, ViaVideo User's Guide. Applicant contends that as amended, the claimed invention is not unpatentable over Fida in view of Polycom. Claims 1, 7, and 13 are independent claims, from which the remaining pending claims ultimately depend. Thus, all of the pending claims are patentable over Fida in view of Polycom.

Claims 1, 7, and 13 have been amended similarly, and therefore claim 1 is discussed herein as representative of claims 1, 7, and 13. Claim 1 has been amended such that the automatic installation mode for a device is suppressed "by detecting and closing a window related to the automatic installation mode *faster than a user is capable of perceiving the window*." Support for this limitation is founded in the patent application as filed at least in the discussion of parts 504 and 506 of the method 500 of FIG. 5. In particular, the patent application as filed recites that:

If the newly created window has the attributes associated with the automatic hardware installation (504), then the window is closed (506). . . . The window is created, detected and closed preferably faster than the user can perceive the window on the display, such that preferably the user at most sees on the display a quick flash of the window being created and then closed.

The Examiner particularly relies on Fida in disclosing the suppression of an automatic installation mode for a hardware device, such as by closing a window. Therefore, Applicant focuses on Fida not disclosing the suppression of an automatic installation mode by detecting and closing a window related to the automatic installation mode "faster than a user is capable of

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perceiving the window," such that Fida in view of Polycom does not disclose the claimed invention.

Fida discloses the suppression of an automatic installation mode by instructing a user to close the window. In section 3.1.1, page 7 of Fida, for instance, the user is instructed to "click 'cancel' to exit from the new hardware installation wizard," where the new hardware installation wizard is an automatic installation mode for a hardware device. That is, the user has to click the cancel button on the window in order to suppress the automatic installation mode.

As such, the user inherently and necessarily "perceives" the window prior to the window being closed in Fida, since the user has to be able to recognize that the window relates to the automatic installation mode before he or she can close it. In other words, since the user him or herself is closing the window by clicking the cancel button on the window, he or she would necessarily and inherently have to be able to perceive the window in Fida, and thus in Fida in view of Polycom, in contradistinction to the claimed invention. Therefore, Fida in view of Polycom does not teach all the limitations of the claimed invention.

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Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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